

**Proposed Rule**  
LSA Document #16-435

DIGEST

Amends [75 IAC 6-1-2](#), [75 IAC 6-1-3](#), [75 IAC 6-1-4](#), [75 IAC 6-1-5](#), [75 IAC 6-1-6](#), [75 IAC 6-1-7](#), [75 IAC 6-1-8](#), [75 IAC 6-2-1](#), [75 IAC 6-2-2](#), [75 IAC 6-2-3](#), [75 IAC 6-2-4](#), [75 IAC 6-2-5](#), [75 IAC 6-2-7](#), [75 IAC 6-2-8](#), [75 IAC 6-2-10](#), [75 IAC 6-3-1](#), [75 IAC 6-3-2](#), [75 IAC 6-3-3](#), [75 IAC 6-3-4](#), [75 IAC 6-3-6](#), [75 IAC 6-3-7](#), and [75 IAC 6-3-8](#) and adds [75 IAC 6-1-5.5](#), [75 IAC 6-2-1.5](#), [75 IAC 6-2-2.2](#), [75 IAC 6-2-3.1](#), [75 IAC 6-2-7.5](#), [75 IAC 6-3-9](#), [75 IAC 6-3-10](#), [75 IAC 6-3-11](#), [75 IAC 6-3-12](#), and [75 IAC 6-3-13](#), concerning dealers, to add definitions and parameters for the dealer designee license plate; clarify requirements for the initial license application and for license renewal for all license types; add established place of business requirements for manufacturers, converter manufacturers, distributors, transfer dealers, automobile auctions, and automotive mobility dealers; clarify requirements for consignment sales; define the terms classic, collector, and antique motor vehicle; amend established place of business requirements for all license types; clarify restrictions on dealer license plates including manufacturer and transfer license plates; clarify rules regarding interim license plates; add rules for dealer promotional license plates; and amend the formula used to calculate license plate restrictions for manufacturers. Adds [75 IAC 6-4](#) to allow the division to accept alternate identification for record requests. Repeals [75 IAC 6-1-10](#), [75 IAC 6-1-11](#), [75 IAC 6-2-6](#), [75 IAC 6-2-9](#), [75 IAC 6-2-11](#), and [75 IAC 6-3-5](#). Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[75 IAC 6-1-2](#); [75 IAC 6-1-3](#); [75 IAC 6-1-4](#); [75 IAC 6-1-5](#); [75 IAC 6-1-5.5](#); [75 IAC 6-1-6](#); [75 IAC 6-1-7](#); [75 IAC 6-1-8](#); [75 IAC 6-1-10](#); [75 IAC 6-1-11](#); [75 IAC 6-2-1](#); [75 IAC 6-2-1.5](#); [75 IAC 6-2-2](#); [75 IAC 6-2-2.2](#); [75 IAC 6-2-3](#); [75 IAC 6-2-3.1](#); [75 IAC 6-2-4](#); [75 IAC 6-2-5](#); [75 IAC 6-2-6](#); [75 IAC 6-2-7](#); [75 IAC 6-2-7.5](#); [75 IAC 6-2-8](#); [75 IAC 6-2-9](#); [75 IAC 6-2-10](#); [75 IAC 6-2-11](#); [75 IAC 6-3-1](#); [75 IAC 6-3-2](#); [75 IAC 6-3-3](#); [75 IAC 6-3-4](#); [75 IAC 6-3-5](#); [75 IAC 6-3-6](#); [75 IAC 6-3-7](#); [75 IAC 6-3-8](#); [75 IAC 6-3-9](#); [75 IAC 6-3-10](#); [75 IAC 6-3-11](#); [75 IAC 6-3-12](#); [75 IAC 6-3-13](#); [75 IAC 6-4](#)

SECTION 1. [75 IAC 6-1-2](#) IS AMENDED TO READ AS FOLLOWS:

**[75 IAC 6-1-2](#) "Certificate of origin" or "manufacturer's statement of origin" defined**

**Authority:** [IC 9-32-3-1](#)

**Affected:** [IC 9-13-2](#); [IC 9-32](#)

Sec. 2. "Certificate of origin" or "manufacturer's statement of origin" refers to the original ownership document for a **motor** vehicle issued by a manufacturer and provided to the initial purchaser of that **motor** vehicle so as to begin the chain or ownership of that **motor** vehicle.

(Secretary of State; [75 IAC 6-1-2](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 2. [75 IAC 6-1-3](#) IS AMENDED TO READ AS FOLLOWS:

**[75 IAC 6-1-3](#) "Consignee" defined**

**Authority:** [IC 9-32-3-1](#)

**Affected:** [IC 9-13-2](#); [IC 9-32](#)

Sec. 3. "Consignee" means a dealer who receives a **motor** vehicle **or** **watercraft** for the purpose of offering the **motor** vehicle **or** **watercraft** for sale but title to which is held by another person.

(Secretary of State; [75 IAC 6-1-3](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 3. [75 IAC 6-1-4](#) IS AMENDED TO READ AS FOLLOWS:

**[75 IAC 6-1-4](#) "Consignment sales" defined**

**Authority:** [IC 9-32-3-1](#)

**Affected:** [IC 9-13-2](#); [IC 9-32](#)

Sec. 4. "Consignment sales" refers to a sale in which the dealer sells or offers for sale, for compensation or not, a **motor vehicle or watercraft** that is not titled or assigned to the dealer.

(Secretary of State; [75 IAC 6-1-4](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 4. [75 IAC 6-1-5](#) IS AMENDED TO READ AS FOLLOWS:

**[75 IAC 6-1-5](#) "Consignor" defined**

**Authority:** [IC 9-32-3-1](#)

**Affected:** [IC 9-13-2](#); [IC 9-32](#)

Sec. 5. "Consignor" means the titled or assigned owner of a **motor vehicle or watercraft** who cosigns a **motor vehicle or watercraft** to a dealer.

(Secretary of State; [75 IAC 6-1-5](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 5. [75 IAC 6-1-5.5](#) IS ADDED TO READ AS FOLLOWS:

**[75 IAC 6-1-5.5](#) "Dealer designee license plate" defined**

**Authority:** [IC 9-32-3-1](#)

**Affected:** [IC 9-32-6.5](#)

Sec. 5.5. "Dealer designee license plate" means the license plate issued to a dealer by the secretary of state under [IC 9-32-6.5-1](#).

(Secretary of State; [75 IAC 6-1-5.5](#))

SECTION 6. [75 IAC 6-1-6](#) IS AMENDED TO READ AS FOLLOWS:

**[75 IAC 6-1-6](#) "Designee" defined**

**Authority:** [IC 9-32-3-1](#)

**Affected:** [IC 6-6-5](#); [IC 9-13-2](#); [IC 9-32-6.5](#)

Sec. 6. "Designee" refers to ~~any a person including an employee, to which a dealer or manufacturer has granted the use of a vehicle, under [IC 9-32-6-9](#), in the dealer's or manufacturer's inventory displaying a dealer new, dealer used, or manufacturer registration plate.~~ **assigned use of a dealer designee license plate under [IC 9-32-6.5](#).**

(Secretary of State; [75 IAC 6-1-6](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 7. [75 IAC 6-1-7](#) IS AMENDED TO READ AS FOLLOWS:

**[75 IAC 6-1-7](#) "License year" defined**

**Authority:** [IC 9-32-3-1](#)

**Affected:** [IC 9-13-2](#); [IC 9-32-11-12.5](#)

Sec. 7. "License year" refers to a twelve (12) month period commencing and ending in accordance with ~~[IC 9-32-11-12](#)~~. **[IC 9-32-11-12.5](#).**

(Secretary of State; [75 IAC 6-1-7](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 8. [75 IAC 6-1-8](#) IS AMENDED TO READ AS FOLLOWS:

**[75 IAC 6-1-8](#) "Motor vehicle industry sponsored trade show" defined**

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-13-2](#); [IC 9-32](#)

Sec. 8. "Motor vehicle industry sponsored trade show" means the exhibition of **motor** vehicles by a motor vehicle trade association to provide the general public the opportunity to review and inspect **motor** vehicles at a single location. All trade association members must be invited to participate in the trade show.

(Secretary of State; [75 IAC 6-1-8](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 9. [75 IAC 6-2-1](#) IS AMENDED TO READ AS FOLLOWS:

**[75 IAC 6-2-1](#) Certificate of origin for converted vehicles**

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-17](#); [IC 9-18](#); [IC 9-32](#)

Sec. 1. A licensed:

(1) dealer;

(2) manufacturer;

(3) converter manufacturer; or

(4) transfer dealer;

**dealer** who converts any type of **motor** vehicle, on which a certificate of origin has already been issued, into another type of motor vehicle on which the ~~manufacturer, converter manufacturer, dealer, or transfer dealer~~ issues a second certificate of origin must provide both the initial certificate of origin and the second certificate of origin upon transfer of the **motor** vehicle.

(Secretary of State; [75 IAC 6-2-1](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 10. [75 IAC 6-2-1.5](#) IS ADDED TO READ AS FOLLOWS:

**[75 IAC 6-2-1.5](#) Initial license application**

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-32](#)

Sec. 1.5. (a) In addition to the requirements in [IC 9-32](#), a dealer applying to be licensed as dealer must submit with the application a copy of a valid photographic identification card issued by a government agency to each individual listed on the application as an owner, partner, or officer, including the person signing the application, if different.

(b) The name and address of the dealer as stated on all documents submitted with the application must match the name and address of the dealer as stated on the application. An exemption for this requirement may be given at the secretary of state's discretion.

(c) A dealer applying to be licensed as an automotive mobility dealer must also include with its application proof that the dealer is accredited through the Quality Assurance Program of the National Mobility Equipment Dealers Association.

(Secretary of State; [75 IAC 6-2-1.5](#))

SECTION 11. [75 IAC 6-2-2](#) IS AMENDED TO READ AS FOLLOWS:

**[75 IAC 6-2-2](#) Dealer license requirements**

Authority: [IC 9-13-2-42](#); [IC 9-32-3-1](#); [IC 9-32-11-8](#)

Affected: [IC 9-13-2](#); [IC 9-32-11-14](#)

Sec. 2. Under (a) In addition to the requirements found in [IC 9-32](#), dealers designated **licensed or applying to be licensed as dealer-new or dealer-used motorcycle dealer-new, and motorcycle dealer-used**, shall

meet the following requirements **at the time of applying for the license and for the entire licensing period:**

- ~~(1) A dealer must have a license issued by the secretary of state in order to receive dealer plates.~~
- ~~(2) The fee from [IC 9-29-17](#) is due with the application and is nonrefundable.~~
- ~~(3) Only one (1) dealer shall be~~ **(1) No other dealer is licensed at or operating from the same address or established place of business at which the dealer is licensed or applying to be licensed. An exemption may be granted at the secretary's discretion if all dealers licensed and operating from the same address or established place of business have common, identical ownership and there is no more than one (1) of a particular license type at the same address or established place of business.**

~~(4) In addition to the requirements outlined in [IC 9-32](#), a dealer must meet the following minimum requirements:~~

~~(A) The dealer must provide a:~~

- ~~(i) federal identification number; and~~
- ~~(ii) retail merchant's certificate number.~~

~~(B) The dealer must, for the entire licensing period, have an established place of business with an Indiana address~~

**(2) The dealer's established place of business is located in Indiana and has an Indiana address that is not:**

- ~~(i) (A) an Indiana post office box address;~~
- ~~(ii) (B) a location that functions like a mailbox box facility; or~~
- ~~(iii) (C) a location that only provides ministerial services by a contract employee.~~
- ~~(C) Dealer licenses and dealer plates shall be mailed to the business address only.~~

~~(D) (3) The established place of business may at which the dealer is licensed or applying to be licensed~~ **meets the following requirements:**

**(A) Does not house a secondary business unless that business is closely related to the sale of motor vehicles and this secondary business does not provide in excess of fifty percent (50%) of the dealer's gross income. Multiple business locations An exemption may be granted at the secretary's discretion.**

**(B) Is not at a retail complex location such as a strip office malls, garages, mall or residential properties shall be accepted if garage, unless the location and established place of business meet the following requirements:**

- ~~(i) A separate exterior entrance is maintained.~~
- ~~(ii) A separate address is maintained. and~~
- ~~(iii) (iv) The business location is not a part of or attached to a residential dwelling.~~
- ~~(iii) (iv) Local zoning requirements are met.~~
- ~~(iv) (v) A distinct impression of separate businesses is given to the general public, which may include distinguishable parking lot space properly marked for display of a minimum of ten (10) vehicles. and~~
- (vi) Vehicles within the dealer's inventory that are located in the dealer's display space must be clearly marked with the name in which the dealer is licensed.**
- ~~(v) (vii) All other location and office requirements are met.~~

~~(E) The dealer's established place of business shall:~~

- ~~(i) be in Indiana;~~
- ~~(ii) be permanent, enclosed building or structure that is not a residence, tent, temporary stand, or mobile trailer not permanently affixed;~~
- ~~(iii) be (C) Is accessible to the public.~~
- ~~(iv) have (D) Has at least a space of one thousand three hundred (1,300) square feet and be able to accommodate the display of a minimum of ten (10) motor vehicles of the kind and type that the dealer is licensed to sell. and space for customer parking;~~
- ~~(v) meet all local zoning requirements;~~
- ~~(vi) be (E) Is well lit during hours of operation. and~~
- ~~(vii) have and display (F) Has sufficient space for customer parking. Customer parking areas must be adequately surfaced with asphalt, concrete, rock, or other substance that will not change with weather conditions.~~

**(G) Has a conspicuous permanent sign identifying the dealer by the name in which the dealer is licensed or applying to be licensed and the dealership's hours of operation.**

**(H) Is open to the public for a minimum of:**

- (i) thirty (30) hours each week during normal business hours; or**
- (ii) twenty (20) hours each week with a telephone answering, paging, or mobile service offered an additional ten (10) hours each week, the number for which is identified on the business sign.**

**An exemption for this requirement may be given at the secretary of state's discretion.**

~~(F) The dealer's (I) Has a dealer office shall be: that is:~~

- ~~(i) housed at the dealer's established place of business;~~
- ~~(ii) (i) at least one hundred (100) square feet in size;~~

- ~~(iii)~~ **(ii)** equipped with office furniture such as a desk, chairs, and filing cabinets;
- ~~(iv)~~ **(iii)** served with utilities such as:
  - (AA) electricity;
  - (BB) lighting;
  - (CC) heat;
  - (DD) operational plumbing; and
  - (EE) a business telephone; and
- ~~(v)~~ **(iv)** reflective of functional use and operation of the license.

**An exemption for the requirements in items (i) through (iii) may be given at the secretary's discretion.**

~~(G) The dealer must provide garage liability insurance for the established place of business under [IC 9-32-11-14](#).~~

~~(H)~~ **(b)** The dealer must provide photographs of the **dealer's** established place of business with the initial application for dealer license. These photographs must include, ~~but are not limited to~~ **at a minimum**, the: major:

- ~~(i)~~ **(1)** sales and storage lot;
- ~~(ii)~~ **(2)** exterior advertising sign **required by this section**;
- ~~(iii)~~ **(3)** display ~~and area~~; and
- ~~(iv)~~ **(4)** interior and exterior of the dealer office building; and
- ~~(v)~~ interior of office building.

The **Printed** photographs must not be less than three (3) inches by five (5) inches in size. The photographs will be required to be updated if the ~~dealership is moved~~ **dealer moves** or if its physical facilities are substantially altered or modified. Digital photographs must be unaltered and verifiable.

~~(I) the dealer must be in good standing with the:~~

- ~~(i) bureau of motor vehicles;~~
- ~~(ii) department of state revenue;~~
- ~~(iii) state police department; and~~
- ~~(iv) secretary of state.~~

~~(J) The dealer must provide, with the initial licensing application, evidence of a franchise or contract agreement, if applicable, showing a sales arrangement with a manufacturer, converter manufacturer, or distributor.~~

~~(K) The dealer must maintain, at the established place of business, a conspicuous, permanent sign identifying the dealer by the name in which the dealer is licensed and the dealership's hours of operation.~~

~~(L) The dealer's established place of business must be accessible to the public for a minimum of thirty (30) hours each week during normal business hours. An exemption for this requirement may be given at the secretary of state's discretion if the dealer is in compliance with other parts of this section. For the purpose of this section, "accessible" means the place of business must be manned:~~

- ~~(i) at least thirty (30) hours each week; or~~
- ~~(ii) at least twenty (20) hours each week and a telephone answering, paging, or mobile service offered during the remaining ten (10) hours each week, the number for which is identified on the business sign.~~

*(Secretary of State; [75 IAC 6-2-2](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))*

SECTION 12. [75 IAC 6-2-2.2](#) IS ADDED TO READ AS FOLLOWS:

#### **[75 IAC 6-2-2.2](#) Dealer license renewal**

**Authority:** [IC 9-32-3-1](#); [IC 9-32-11-8](#)

**Affected:** [IC 9-13-2](#); [IC 9-32](#)

**Sec. 2.2. (a) Application for renewal of a dealer license must be on a form prescribed by the secretary and be accompanied by the following:**

- (1) The applicable fee.**
- (2) Proof of current bond as required by [IC 9-32-11-2\(e\)](#).**
- (3) Proof of current liability insurance or current membership in a risk retention group under [IC 9-32-11-14](#).**
- (4) Proof that the dealer is in good standing with the bureau of motor vehicles, department of state revenue, or the state police department if requested by the secretary.**

**(b) Licensed automotive mobility dealers must also include with their application proof that the dealer**

is accredited through the Quality Assurance Program of the National Mobility Equipment Dealers Association.

(Secretary of State; [75 IAC 6-2-2.2](#))

SECTION 13. [75 IAC 6-2-3](#) IS AMENDED TO READ AS FOLLOWS:

**[75 IAC 6-2-3](#) Issuance of off-site sales licenses; general conditions and minimum requirements**

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-13-2](#); [IC 9-32](#); [IC 24-4-6](#)

Sec. 3. (a) An off-site license may be issued to a licensed dealer ~~manufacturer, automobile auctioneer, or transfer dealer~~ for the purpose of conducting a **motor** vehicle event at a location other than the applicant's established place of business.

~~(b)~~ The fee from [IC 9-29-17](#) is due with the application and is nonrefundable.

~~(c)~~ **(b)** The temporary location must:

- (1) be in a well-defined location such as a building, tent, or open parking area that is separate and distinct from other business locations;
- (2) set up to include an appropriate area for the closing of a sale if a sale is closed at the off-site location; and
- (3) meet all local ordinances and zoning requirements.

~~(d)~~ **(c)** The application must:

- ~~(1)~~ be received at least ten (10) days prior to the event;
- ~~(2)~~ **(1)** contain the exact street address of the proposed event location along with a brief description of the location;
- ~~(3)~~ **(2)** include the **address of the** applicant's established place of business;
- ~~(4)~~ **(3)** contain the applicant's dealer license number;
- ~~(5)~~ **(4)** include the name, address, and telephone number of the:
  - (A) owner if sole proprietorship;
  - (B) partners if partnership; or
  - (C) officers if corporation;
- ~~(6)~~ **(5)** include the name and telephone number for a contact person if different from the people listed in subdivision ~~(5)~~ **(4)** to clarify information on the application if needed; and
- ~~(7)~~ **(6)** contain the dates of the proposed event.

~~(e)~~ **(d)** Off-site **motor** vehicle sales, under this section, may not be conducted on Sunday pursuant to [IC 24-4-6](#).

~~(f)~~ **(e)** Motor vehicle industry sponsored trade shows are exempted from the provisions of this section, but the sponsor must notify the secretary of state, in writing, of the scheduling of a show and its participants at least thirty (30) days prior to a show.

(Secretary of State; [75 IAC 6-2-3](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 14. [75 IAC 6-2-3.1](#) IS ADDED TO READ AS FOLLOWS:

**[75 IAC 6-2-3.1](#) Vehicles classified as classic, collector, or antique**

Authority: [IC 9-32-3-1](#); [IC 9-32-11-18](#)

Affected: [IC 9-32-11-11](#); [IC 9-32-11-11.5](#)

Sec. 3.1. (a) For purposes of [IC 9-32-11-11](#), [IC 9-32-11-11.5](#), and [IC 9-32-11-18](#), to be considered a "collector motor vehicle" the motor vehicle must be:

- (1) at least twenty-five (25) years old;
- (2) owned, operated, restored, maintained, or used as a collector's item, a leisure pursuit, or an



investment; and

(3) not used primarily for transportation.

(b) For purposes of [IC 9-32-11-11](#), [IC 9-32-11-11.5](#), and [IC 9-32-11-18](#), to be considered an "antique motor vehicle" the motor vehicle must be at least twenty-five (25) years old.

(c) For purposes of [IC 9-32-11-11](#), [IC 9-32-11-11.5](#), and [IC 9-32-11-18](#), a motor vehicle is considered a "classic motor vehicle" if the motor vehicle would be considered a collector motor vehicle or an antique motor vehicle as defined in this section.

(Secretary of State; [75 IAC 6-2-3.1](#))

SECTION 15. [75 IAC 6-2-4](#) IS AMENDED TO READ AS FOLLOWS:

**[75 IAC 6-2-4](#) Manufacturer license requirements**

Authority: [IC 9-32-3-1](#); [IC 9-32-11-8](#)

Affected: [IC 9-13-2](#); [IC 9-32-11](#)

Sec. 4. (a) ~~Manufacturers, converter manufacturers, factory branches, factory representatives, distributors, or distributor representatives must have a license issued by the secretary of state under~~ In addition to the requirements in [IC 9-32](#) and [IC 9-13](#), the established place of business at which a manufacturer, converter manufacturer, or distributor is licensed or applying to be licensed must meet the following requirements:

(1) Is accessible by the public.

(2) Has a conspicuous permanent sign identifying the manufacturer, converter manufacturer, or distributor by the name in which the manufacturer, converter manufacturer, or distributor is licensed or applying to be licensed.

(3) Contains an office that meets the following requirements:

(A) Is at least one hundred (100) square feet in size.

(B) Is equipped with office furniture such as a desk, chairs, and filing cabinets.

(C) Is served with utilities including:

(i) electricity;

(ii) lighting;

(iii) heat;

(iv) operational plumbing; and

(v) a business telephone.

(D) Is reflective of functional use and operation of the license.

An exemption for the requirements in clauses (A) through (C) may be given at the secretary's discretion.

(4) Has customer parking.

(5) Is not:

(A) a post office box address;

(B) a location that functions like a mailbox box facility; or

(C) a location that only provides ministerial services by a contract employee.

(6) Is located in Indiana.

The secretary may grant an exemption for a manufacturer, converter manufacturer, or distributor that has an established place of business in another state and whose only business activity in Indiana is distributing its motor vehicles directly or through distributors to dealers in Indiana based on the content of the manufacturer's application and any supporting documentation submitted with the application.

~~(b) Manufacturers, converter manufacturers, factory branches, factory representatives, distributors, or distributor representatives, though conducting business within Indiana, are not required to have an~~ If a manufacturer is engaging in, or intends to engage in, direct sales to the general public, its established place of business must meet the requirements set out in section 2 of this rule.

(c) The license fee from [IC 9-29-17](#) is due with the application and is nonrefundable. The manufacturer, converter manufacturer, or distributor must provide photographs of the manufacturer's, converter manufacturer's, or distributor's location and established place of business with the initial application for a manufacturer, converter manufacturer, or distributor license. These photographs must include, at a

minimum, the:

- (1) interior and exterior of the established place of business;
- (2) sign required by this section; and
- (3) office.

Printed photographs must not be less than three (3) inches by five (5) inches in size. The photographs will be required to be updated if the manufacturer, converter manufacturer, or distributor moves or if its physical facilities are substantially altered or modified. Digital photographs must be unaltered and verifiable.

(d) In addition to the requirements outlined in [IC 9-32](#), a manufacturer must meet the following minimum requirements:

- (1) The applicant must provide a:
  - (A) federal identification number; and
  - (B) retail merchant's certificate number.
- (2) The applicant must provide, if the applicant has an established place of business, garage liability insurance as prescribed in [IC 9-32-11-14](#). The applicant must provide, if the applicant does not have an established place of business, business liability insurance in an amount approved by the secretary of state.
- (3) The applicant must be in good standing with the:
  - (A) bureau of motor vehicles;
  - (B) department of state revenue;
  - (C) state police department; and
  - (D) secretary of state.

(4) **(d)** Unless conflicting with the provisions of this section, all rules that the secretary of state finds applicable governing dealers shall apply to manufacturers, **converter manufacturers, and distributors.**

(Secretary of State; [75 IAC 6-2-4](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 16. [75 IAC 6-2-5](#) IS AMENDED TO READ AS FOLLOWS:

#### **[75 IAC 6-2-5](#) Transfer dealer license requirements**

Authority: [IC 9-32-3-1](#); [IC 9-32-11-8](#)

Affected: [IC 9-13-2](#); [IC 9-32-11](#)

Sec. 5. (a) ~~Transfer dealers must be properly licensed by the secretary of state under~~ **In addition to the requirements in [IC 9-32](#) and [IC 9-13](#), the location and established place of business at which a transfer dealer is licensed or applying to be licensed must meet the following requirements:**

- (1) Is located in Indiana and has an Indiana address that is not:
  - (A) an Indiana post office box address;
  - (B) a location that functions like a mailbox box facility; or
  - (C) a location that only provides ministerial services by a contract employee.
- (2) Is accessible by the public.
- (3) Has a conspicuous permanent sign identifying the transfer dealer by the name in which the transfer dealer is licensed or applying to be licensed.
- (4) Contains an office that meets the following requirements:
  - (A) Is at least one hundred (100) square feet in size.
  - (B) Is equipped with office furniture such as a desk, chairs, and filing cabinets.
  - (C) Is served with utilities including:
    - (i) electricity;
    - (ii) lighting;
    - (iii) heat;
    - (iv) operational plumbing; and
    - (v) a business telephone.
  - (D) Is reflective of functional use and operation of the license.

An exemption for the requirements in clauses (A) through (C) may be given at the secretary's discretion.

- (5) Has customer parking.
- (6) Has adequate space to accommodate the display of vehicles of the kind and type that the transfer dealer is licensed to sell. An exemption for this requirement may be given at the secretary's discretion.



(7) Is not at a retail complex location such as a strip office mall or garage, unless the location and established place of business meet the following requirements:

(A) A separate exterior entrance is maintained.

(B) A separate address is maintained.

(C) The business location is not part of or attached to a residential dwelling.

(D) Local zoning requirements are met.

(E) A distinct impression of separate businesses is given to the general public.

(F) Vehicles within the transfer dealer's inventory that are located in the transfer dealer's display space must be clearly marked with the name in which the transfer dealer is licensed.

(8) No other dealer is licensed at or operating from the same address or established place of business at which the transfer dealer is licensed or applying to be licensed.

(b) The license fee from [IC 9-29-17](#) is due with the application and is nonrefundable. The transfer dealer must provide photographs of the transfer dealer's established place of business with the initial application for a transfer dealer license. These photographs must include, at a minimum, the:

(1) interior and exterior of the established place of business;

(2) advertising sign required by this section; and

(3) office.

Printed photographs must not be less than three (3) inches by five (5) inches in size. The photographs must be updated if the transfer dealer moves or if its physical facilities are substantially altered or modified. Digital photographs must be unaltered and verifiable.

(c) A transfer dealer license is to be utilized by the following parties:

(1) Financial institutions dealing in repossessed vehicles.

(2) Insurance companies dealing in repossessed or salvaged vehicles.

(3) Any other type of business meeting the requirements of a transfer dealer as outlined in [IC 9-32](#) that, because of the nature of its business, has the need to transfer ownership of twelve (12) or more vehicles within any twelve (12) month period.

(d) A transfer dealer shall do the following:

(1) Furnish a:

(A) federal identification number; and

(B) retail merchant's certificate number.

(2) The transfer dealer must be in good standing with the:

(A) bureau of motor vehicles;

(B) department of state revenue;

(C) state police department; and

(D) secretary of state.

(3) The transfer dealer must furnish proof of coverage by garage liability insurance under [IC 9-32-11-14](#).

(4) Provide a statement delineating the type and extent of the dealer's business.

(c) A person applying to be licensed as a transfer dealer shall submit with the initial application for a transfer dealer license a statement delineating the type and extent of the person's business.

(e) (d) Unless conflicting with the provisions of this section, all rules that the secretary of state finds applicable governing dealers shall apply to transfer dealers.

(Secretary of State; [75 IAC 6-2-5](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 17. [75 IAC 6-2-7](#) IS AMENDED TO READ AS FOLLOWS:

#### **[75 IAC 6-2-7](#) Automobile auction license requirements**

Authority: [IC 9-32-3-1](#); [IC 9-32-11-8](#)

Affected: [IC 9-13-2](#); [IC 9-32-11](#)

Sec. 7. (a) Automobile auctioneers must be properly licensed by the secretary of state under In addition to the requirements in [IC 9-32](#) and [IC 9-13](#), the location and established place of business at which an automobile auction is licensed or applying to be licensed must meet the following requirements:

(1) Is located in Indiana and has an Indiana address that is not:

- (A) an Indiana post office box address;
  - (B) a location that functions like a mailbox box facility; or
  - (C) a location that only provides ministerial services by a contract employee.
- (2) Is accessible by the public.
- (3) Has a conspicuous permanent sign identifying the automobile auction by the name in which the automobile auction is licensed or applying to be licensed.
- (4) Contains an office that meets the following requirements:
- (A) At least one hundred (100) square feet in size.
  - (B) Equipped with office furniture such as a desk, chairs, and filing cabinets.
  - (C) Served with utilities including:
    - (i) electricity;
    - (ii) lighting;
    - (iii) heat;
    - (iv) operational plumbing; and
    - (v) a business telephone.
  - (D) Reflective of functional use and operation of the license.

An exemption for the requirements in clauses (A) through (C) may be given at the secretary's discretion.

(5) Has customer parking.

(6) Has adequate space to accommodate the display of a minimum of ten (10) vehicles of the kind and type that the automobile auction is licensed to sell.

(b) The license fee from ~~IC 9-29-17~~ is due with the application and is nonrefundable. The automobile auction must provide photographs of the automobile auction's established place of business with the initial application for an automobile auction license. These photographs must include, at a minimum, the:

- (1) interior and exterior of the established place of business;
- (2) advertising sign required by this section; and
- (3) office.

Printed photographs must not be less than three (3) inches by five (5) inches in size. The photographs must be updated if the automobile auction moves or if its physical facilities are substantially altered or modified. Digital photographs must be unaltered and verifiable.

~~(c) The following are minimum requirements for licensing automobile auctioneers:~~

- ~~(1) An applicant must furnish a:
  - (A) federal identification number; and
  - (B) retail merchant's certificate number.~~
- ~~(2) An applicant must furnish proof of coverage by liability insurance under [IC 9-32-11-14](#).~~
- ~~(3) An applicant must be in good standing with the:
  - (A) bureau of motor vehicles;
  - (B) department of state revenue;
  - (C) state police department; and
  - (D) secretary of state.~~

(4) (c) Unless conflicting with the provisions of this section, all rules that the secretary of state finds applicable governing dealers shall apply to automobile ~~auctioneers~~, **auctions**.

(Secretary of State; [75 IAC 6-2-7](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 18. [75 IAC 6-2-7.5](#) IS ADDED TO READ AS FOLLOWS:

#### **[75 IAC 6-2-7.5](#) Automotive mobility license requirements**

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-13](#); [IC 9-32](#)

Sec. 7.5. (a) In addition to the requirements in [IC 9-32](#) and [IC 9-13](#), the location and established place of business at which an automotive mobility dealer is licensed or applying to be licensed must meet the following requirements:

- (1) Is located in Indiana and has an Indiana address that is not:

- (A) an Indiana post office box address;
  - (B) a location that functions like a mailbox box facility; or
  - (C) a location that only provides ministerial services by a contract employee.
- (2) Is accessible by the public.
- (3) Has a conspicuous permanent sign identifying the automotive mobility dealer by the name in which the automotive mobility dealer is licensed or applying to be licensed and the dealer's hours of operation.
- (4) Contains an office that meets the following requirements:
- (A) Is at least one hundred (100) square feet in size.
  - (B) Is equipped with office furniture such as a desk, chairs, and filing cabinets.
  - (C) Is served with utilities including:
    - (i) electricity;
    - (ii) lighting;
    - (iii) heat;
    - (iv) operational plumbing; and
    - (v) a business telephone.
  - (D) Is reflective of functional use and operation of the license.
- An exemption for the requirements in clauses (A) and (C) may be given at the secretary's discretion.
- (5) Is well-lit during hours of operation.
- (6) Has sufficient customer parking that is adequately surfaced with asphalt, concrete, rock, or other substance that will not change with the weather conditions. An exemption for this requirement may be given at the secretary's discretion.
- (7) Has adequate space to accommodate the display of a minimum of ten (10) vehicles of the kind and type that the automotive mobility dealer is licensed to sell. An exemption for this requirement may be given at the secretary's discretion.

(b) The automotive mobility dealer must provide the following with the initial application for an automotive mobility license:

- (1) Proof that the automotive mobility dealer is accredited through the Quality Assurance Program of the National Mobility Equipment Dealers Association.
- (2) Photographs of the automotive mobility dealer's established place of business with the initial application for automotive mobility dealer license. These photographs must include, at a minimum, the:
  - (A) interior and exterior of the established place of business;
  - (B) advertising sign required by this section; and
  - (C) office.

Printed photographs must not be less than three (3) inches by five (5) inches in size. The photographs must be updated if the automotive mobility dealer moves or if its physical facilities are substantially altered or modified. Digital photographs must be unaltered and verifiable.

(c) Unless conflicting with the provisions of this section, all rules that the secretary of state finds applicable governing dealers shall apply to automotive mobility dealers.

(Secretary of State; [75 IAC 6-2-7.5](#))

SECTION 19. [75 IAC 6-2-8](#) IS AMENDED TO READ AS FOLLOWS:

### **[75 IAC 6-2-8](#) Consignment sales**

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-32](#)

Sec. 8. (a) As used in this section, "consignment sales lot" means a business that conducts twelve (12) or more (retail or wholesale) consignment sales per year for which ownership is never transferred to a broker as defined in [IC 9-13-2-15](#).

~~(b)~~ (a) A consignor who consigns a **motor** vehicle **or watercraft** to a consignee to be offered for sale and sold by the consignee on behalf of the consignor to a third party purchaser must provide the consignee with: either

- (1) the title to the **motor** vehicle along with a power of attorney designating the consignee as the agent of the

~~consignor or~~ **watercraft**;

**(2)** a duly executed consignment agreement between the consignor and the consignee; **and**

**(3) the consignment sale form prescribed by the secretary.**

**(b)** The consignor must be identified to the buyer by the consignee.

(c) A consignment agreement for consignment sales must contain, but is not limited to, the following information:

(1) The name and current address of the **watercraft or motor** vehicle's titled owner and person having possession of the title.

(2) The name and current address of any party holding a lien on the **motor vehicle or watercraft**.

(3) The name and current address of the party to which the **motor vehicle or watercraft** was consigned for sale.

(4) A description of the **motor vehicle or watercraft**, including ~~the vehicle's~~ make, model, color, and manufacturer's vehicle identification number **or hull identification number**.

(5) A statement showing that the consignor has appointed the consignee as an agent for the purpose of offering the **motor vehicle or watercraft** for sale.

(6) Any sales conditions that must be met by the consignee.

**A consignment agreement must be completed for each motor vehicle or watercraft offered for sale on the consignment sales lot regardless of whether or not the consignor has provided a title. A copy of the consignment agreement must be maintained continuously for a period of three (3) years.**

~~(d) Consignment arrangements do not apply to a licensed dealer's inventory. Consignment agreements must be completed for each vehicle offered for sale on the consignment sales lot regardless of whether or not the consignor has provided a title. Copies of the consignment agreement must be maintained continuously for a period of three (3) years.~~

(e) The **motor vehicle should or watercraft must** be plated **registered** by the consignor and insured by the consignor for the purpose of demonstration of the vehicle. The consignee is not eligible for interim plates. ~~under~~ [75 IAC 6-3](#).

~~(f) The A consignment sales lot sale must meet the requirements of a dealer's location, office, and zoning provisions.~~ **take place at the consignee's established place of business.**

**(g) A motor vehicle being offered for sale by a consignee must be clearly marked as a consigned motor vehicle in a manner that makes the consigned motor vehicle easily distinguishable from the consignor's inventory.**

(Secretary of State; [75 IAC 6-2-8](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 20. [75 IAC 6-2-10](#) IS AMENDED TO READ AS FOLLOWS:

**[75 IAC 6-2-10](#) Operation without a license; cease and desist order**

**Authority:** [IC 9-32-3-1](#)

**Affected:** [IC 9-32](#)

Sec. 10. A ~~business or person~~ engaged in the ~~business~~ activities as identified in [IC 9-32](#) must be properly licensed to carry out ~~the business~~ **those** activities and functions. Failure to obtain a license or ~~having~~ **engaging in activities that require** a license **while a license issued under [IC 9-32](#) is** suspended or revoked by the secretary of state shall be cause for an order to cease and desist all ~~business~~ activities to be issued by the secretary of state. The secretary of state shall notify the state police department of an order issued to cease and desist ~~business~~ activities.

(Secretary of State; [75 IAC 6-2-10](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 21. [75 IAC 6-3-1](#) IS AMENDED TO READ AS FOLLOWS:

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**75 IAC 6-3-1 Classification of dealer plates**

**Authority:** IC 9-32-3-1

**Affected:** IC 9-13-2; IC 9-32

Sec. 1. (a) In addition to the ~~dealer-new, dealer-used, wholesale, and manufacturer~~ **license** plates authorized by IC 9-32-6, IC 9-32, the secretary of state authorizes the following classifications of ~~metal dealer registration~~ **license** plates:

- ~~(1) Motorcycle dealer new.~~
- ~~(2) Motorcycle dealer used.~~
- ~~(3)~~ **(1)** Transfer dealer.
- ~~(4) Antique car museum dealer.~~
- ~~(5)~~ **(2)** Dealer promotional.
- ~~(6) Research and development.~~

(b) The following dealers properly licensed under IC 9-32 are eligible to apply for dealer-new or dealer-used plates:

- (1) Mobile home **or manufactured home** dealers.
- (2) Recreational vehicle dealers.
- (3) Trailer dealers.

(c) Automobile ~~auctioneers~~ **auctions** are eligible for dealer-used plates.

(Secretary of State; 75 IAC 6-3-1; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA)

SECTION 22. 75 IAC 6-3-2 IS AMENDED TO READ AS FOLLOWS:

**75 IAC 6-3-2 Dealer license plates; restrictions on use**

**Authority:** IC 9-32-3-1

**Affected:** IC 9-13-2; IC 9-32

Sec. 2. (a) **This section applies to the following** dealer plates ~~may be issued to a person properly licensed under IC 9-32.~~ **license plate types:**

- (1) Dealer-new.**
- (2) Dealer-used.**
- (3) Motorcycle.**
- (4) Motorcycle with a motor driven cycle decal.**

(b) In addition to the restrictions established by IC 9-32 ~~dealer plates issued to dealer-new, dealer-used, motorcycle dealer-new, and motorcycle dealer-used are subject to the following restrictions~~ **apply:**

- (1) Dealer **license** plates ~~under this section~~ shall only be affixed upon **motor** vehicles in the dealer's inventory.
- (2) Dealer **license** plates ~~under this section~~ shall not be used on **motor** vehicles required to be registered or on **motor** vehicles for which dealers charge and receive compensation from individuals other than their employees. ~~Vehicles required to be registered include:~~
  - ~~(A) tow trucks;~~
  - ~~(B) delivery trucks;~~
  - ~~(C) rental or lease vehicles; or~~
  - ~~(D) parts and service vehicles, which includes vehicles used to pick up or deliver parts or supplies.~~
- (3) Dealer **license** plates may not be used on **motor** vehicles leased or rented to or by the dealer.
- (4) Dealer **license** plates may be used for up to ten (10) days within the state of Indiana on **motor** vehicles that are hauling a load provided the movement is for demonstration purposes to effect a sale of the demonstrated **motor** vehicle if the dealer has notified and been granted approval by the state police department.
- (5) Dealer **license** plates ~~under this section~~ may be used by a prospective buyer or service customer on a **motor** vehicle in the dealer's inventory unattended by any agent or representative of the dealer for a period not to exceed ten (10) days.
- (6) Following the sale and delivery of a **motor** vehicle from the dealer's inventory, the ~~metal~~ **dealer license** plate shall not be used on that **motor** vehicle. ~~An interim registration plate may be issued to the purchaser by the dealer under IC 9-32-6-11 for a period expiring thirty-one (31) days from the date of delivery or until regular~~

~~registration plates have been obtained, whichever event occurs first.~~

(7) The dealer and ~~the~~ **a** representative of the dealer may, at the dealer's discretion, use the dealer **license** plates issued to the dealership **dealer** for personal use on **motor** vehicles in the dealer's inventory.

(8) Dealer **license** plates may not be used to circumvent the registration of ~~individual~~ motor vehicles as required by law or the payment of sales tax or motor vehicle excise taxes on those vehicles.

~~(9) Dealer plates shall not be:~~

- ~~(A) loaned;~~
- ~~(B) leased;~~
- ~~(C) sold;~~
- ~~(D) transferred;~~
- ~~(E) copied;~~
- ~~(F) altered; or~~
- ~~(G) reproduced.~~

~~(10)~~ **(9)** A **motor** vehicle bearing a dealer **license** plate, except when the **motor** vehicle is being transported to the dealer's **established** place of business from a manufacturer, must have **attached to the motor vehicle**:

- ~~(A) in the case of a new **motor** vehicle, a monroney sticker; attached to the vehicle; or~~
- ~~(B) in the case of a used **motor** vehicle, a Federal Trade Commission buyer's guide sticker. attached to the vehicle.~~

~~(11)~~ **(10)** Motorcycle dealer **license** plates may not be used on any other type of motor vehicle other than a motorcycle even if that vehicle is held in the inventory of the dealer. **with the exception of a motor driven cycle. A motorcycle dealer license plate being used on a motor driven cycle must be accompanied by the appropriate motor driven cycle decal.**

~~(12) Any motorcycle dealer who maintains for sale an inventory of vehicles other than motorcycles may apply for dealer used plates for use in conjunction with the sale of those vehicles.~~

(Secretary of State; [75 IAC 6-3-2](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 23. [75 IAC 6-3-3](#) IS AMENDED TO READ AS FOLLOWS:

#### **[75 IAC 6-3-3](#) Manufacturer license plates; restrictions on use**

**Authority:** [IC 9-32-3-1](#)

**Affected:** [IC 9-13-2](#); [IC 9-25-4-5](#); [IC 9-32-6](#); [IC 9-32-11](#)

Sec. 3. (a) Persons **that are** properly licensed under [IC 9-32](#) as a:

- (1) manufacturer;
- (2) converter manufacturer; **or**
- ~~(3) factory representative;~~
- ~~(4) factory branch;~~
- ~~(5) (3) distributor; or~~
- ~~(6) distributor representative;~~

**and have an established place of business in Indiana** shall be eligible to apply for manufacturer **license** plates.

(b) In addition to the restrictions established by [IC 9-32-6](#), manufacturer **license** plates are subject to the following restrictions:

~~(1) If the:~~

- ~~(A) manufacturer;~~
- ~~(B) converter manufacturer;~~
- ~~(C) factory representative;~~
- ~~(D) factory branch;~~
- ~~(E) distributor; or~~
- ~~(F) distributor representative;~~

~~desires to obtain manufacturer plates and does not have an established place of business, then the applicant must show that the vehicles to be plated and utilized on the public highways have insurance coverage in the same amount as required under [IC 9-25-4-5](#).~~

~~(2)~~ **(1)** Manufacturer **license** plates under this section shall only be affixed upon **motor** vehicles in the manufacturer's, **converter manufacturer's, or distributor's** inventory.

~~(3)~~ **(2)** Manufacturer **license** plates under this section shall not be used on **motor** vehicles required to be registered or upon any **motor** vehicle for which the manufacturer, **converter manufacturer, or distributor**



received compensation from individuals other than the manufacturer's employees.

~~(4)~~ **(3)** The manufacturer, **converter manufacturer, or distributor** and the representative of the manufacturer **or distributor** designated by the manufacturer **or distributor**, may use the manufacturer **license** plates issued to the manufacturer, **converter manufacturer, or distributor** for personal use on **motor** vehicles in the manufacturer's, **converter manufacturer's, or distributor's** inventory. A representative, for purposes of this subdivision, must be in a bona fide employment arrangement **and certified under IC 9-32-11**.

~~(5)~~ **(4)** Manufacturer **license** plates may not be used to circumvent the registration of individual motor vehicles as required by law or the payment of sales tax or ~~automobile~~ **motor vehicle** excise taxes on those **motor** vehicles.

~~(6)~~ Manufacturer plates shall not be:

- ~~(A) loaned;~~
- ~~(B) leased;~~
- ~~(C) sold;~~
- ~~(D) transferred;~~
- ~~(E) copied;~~
- ~~(F) altered; or~~
- ~~(G) reproduced.~~

(Secretary of State; [75 IAC 6-3-3](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 24. [75 IAC 6-3-4](#) IS AMENDED TO READ AS FOLLOWS:

**[75 IAC 6-3-4](#) Transfer dealer license plates; restrictions on use**

**Authority:** [IC 9-32-3-1](#)

**Affected:** [IC 9-13-2](#); [IC 9-32](#)

Sec. 4. (a) Transfer dealer **license** plates may be issued to a person properly licensed as a transfer dealer under [IC 9-32](#).

~~(b)~~ Transfer dealer plates may be utilized by the following parties:

- ~~(1) Financial institutions dealing in repossessed vehicles.~~
- ~~(2) Insurance companies dealing in repossessed or salvaged motor vehicles.~~
- ~~(3) Any other type of business meeting the requirements of a transfer dealer as outlined in [IC 9-32](#) that, because of the nature of its business, has the need to transfer ownership of twelve (12) or more vehicles within any twelve (12) month period.~~

~~(c)~~ **(b)** Transfer dealer **license** plates may be placed on **motor** vehicles owned by the transfer dealer for a period not to exceed ten (10) days for **the purpose of:**

- ~~(1) the purpose of acquisition of **motor** vehicles; or~~
- ~~(2) the purpose of previously sold vehicles; or~~
- ~~(3) delivery of vehicles following sale.~~

**(2) demonstration of the motor vehicle to a potential customer.**

~~(d)~~ A transfer dealer plate may be placed on any vehicle owned by the transfer dealer for demonstration of the vehicle to a potential customer for a period not to exceed ten (10) days.

~~(e)~~ **(c)** Transfer dealer **license** plates may be placed on **motor** vehicles not owned by the transfer dealer but **are** in the dealer's rightful possession for a period not to exceed ten (10) days for the purpose of performing mechanical, body, or maintenance work on the **motor** vehicles.

~~(f)~~ **(d)** A transfer dealer **license** plate may not be placed on any **motor** vehicle, even a **motor** vehicle in the inventory of the **transfer** dealer, for the personal use of a transfer dealer or the transfer dealer's employees.

~~(g)~~ Transfer dealer plates shall not be:

- ~~(1) loaned;~~
- ~~(2) leased;~~
- ~~(3) sold;~~

- ~~(4) transferred;~~
- ~~(5) copied;~~
- ~~(6) altered; or~~
- ~~(7) reproduced.~~

(Secretary of State; [75 IAC 6-3-4](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 25. [75 IAC 6-3-6](#) IS AMENDED TO READ AS FOLLOWS:

**[75 IAC 6-3-6](#) Research and development license plates; restrictions on use**

**Authority:** [IC 9-32-3-1](#); [IC 9-32-6-3](#)

**Affected:** [IC 9-13-2](#); [IC 9-32](#)

Sec. 6. (a) Research and development **license** plates may be issued to a manufacturer of a vehicle subcomponent system who is properly licensed under [IC 9-32](#).

(b) Research and development **license** plates may be placed on **motor** vehicles in the manufacturer's inventory for:

- (1) the purpose of testing a **motor** vehicle's subcomponent system;
- (2) the purpose of studying a **motor** vehicle's subcomponent system; or
- (3) transporting a **motor** vehicle to a testing facility.

(c) Application for research and development **license** plates must include the following:

- (1) The manufacturer license number.
- (2) An explanation of the use for the research and development plate.
- (3) Proof of manufacturing a vehicle subcomponent system.

(d) Research and development **license** plates under this section shall not be used on **motor** vehicles required to be registered or upon any **motor** vehicle for which the manufacturer received compensation from individuals other than the manufacturer's employees.

(e) Research and development **license** plates may not be used to circumvent the registration of individual motor vehicles as required by law or the payment of sales tax or ~~automobile~~ **motor vehicle** excise taxes on those **motor** vehicles.

~~(f) Research and development plates shall not be:~~

- ~~(1) loaned;~~
- ~~(2) leased;~~
- ~~(3) sold;~~
- ~~(4) transferred;~~
- ~~(5) copied;~~
- ~~(6) altered; or~~
- ~~(7) reproduced.~~

(Secretary of State; [75 IAC 6-3-6](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 26. [75 IAC 6-3-7](#) IS AMENDED TO READ AS FOLLOWS:

**[75 IAC 6-3-7](#) Number of license plates issued**

**Authority:** [IC 9-32-3-1](#)

**Affected:** [IC 9-32](#)

Sec. 7. (a) The secretary of state retains the discretion to determine or limit the number of dealer **license** plates manufacturer plates, and ~~wholesale dealer plates issued to any licensed location or licensee.~~ **a dealer or manufacturer.**

(b) The secretary of state may take the following formula into consideration when issuing dealer **license** plates to ~~any licensed location or licensee:~~ **a dealer:**

STEP ONE: Determine the total number of **motor** vehicles (both retail and wholesale) sold, or projected sold, by the applicant in a license year.

STEP TWO: Determine the number of licensed months the applicant was in business during the license year.

STEP THREE: Divide the number in STEP ONE by the number in STEP TWO.

For example, a total annual sales of one hundred twenty (120) **motor vehicles** divided by twelve (12) months equals ten (10) **license** plates.

(c) The secretary of state may take the following formula into consideration when issuing manufacturer **license** plates to ~~any licensed location or licensee:~~ **a manufacturer:**

~~STEP ONE: Determine the total number of vehicles evaluated or tested under any type of evaluation or testing program or under the control of the manufacturer for which property taxes were assessed.~~

~~STEP TWO: Determine the number of licensed months the manufacturer was in business during the license year.~~

~~STEP THREE: Divide the number in STEP ONE by the number in STEP TWO.~~

~~For example, a total evaluated or tested vehicles per year of one thousand two hundred (1,200) divided by twelve (12) equals one hundred (100) plates.~~

**(1) The type of motor vehicle the manufacturer constructs or assembles.**

**(2) How many motor vehicles the manufacturer produced in the previous twelve (12) months or calendar year.**

**(3) The manufacturer's intended primary use of the license plates.**

**(4) The nature of the manufacturer's business.**

~~(d) A manufacturer applying for manufacturer plates under subsection (d) must file a report with the secretary of state each year stating the ratio of vehicles tested per vehicles manufactured as a condition of approval of the application. The report of the ratio must include the following:~~

~~(1) The total number of vehicles manufactured per year.~~

~~(2) The total number of vehicles evaluated or tested per year.~~

~~(3) The number of vehicles for which property taxes were assessed.~~

~~(4) A detailed listing of how the plates are to be distributed to any of its licensed factory branches or divisions.~~

~~A report of product evaluation program identifying all product evaluation vehicles, designees, and manufacturer plate assignments must be filed by the manufacturer or its subsidiary division on a quarterly basis. Manufacturer plates issued under subsection (d) shall be distributed to its subsidiary divisions or factory branches as indicated on the report of ratio.~~

*(Secretary of State; [75 IAC 6-3-7](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))*

SECTION 27. [75 IAC 6-3-8](#) IS AMENDED TO READ AS FOLLOWS:

### **[75 IAC 6-3-8](#) Interim license plates; restrictions on use**

**Authority:** [IC 9-32-3-1](#)

**Affected:** [IC 9-32-4](#); [IC 9-32-6-11](#)

Sec. 8. (a) The secretary of state retains the discretion to determine the number of interim **license** plates available to the **a properly licensed** dealer for issuance based upon **factors including**, but not limited to, the:

(1) number of **motor** vehicles sold **by the dealer**; or

(2) dealer's ~~or manufacturer's~~ projected sales.

(b) Requirements for the use of interim **license** plates shall be as follows:

~~(1) Under [IC 9-32-6-11](#), interim plates may be utilized only by the operator of a motor vehicle for a period not to exceed thirty-one (31) days after the date of sale.~~

~~(2) (1) Only one (1) interim **license** plate may be issued by a dealer to the purchaser of a motor vehicle. No additional interim **license** plates may be issued for the motor vehicle for any reason.~~

~~(3) (2) Interim **license** plates may not be utilized on the following **motor** vehicles:~~

~~(A) A **motor** vehicle owned **by** or in the inventory of a licensed dealer.~~

~~(B) **Motor** vehicles sold on consignment by a dealer.~~

~~(4) (3) The dealer must provide ownership documents, including title or title affidavit, as prescribed in [IC 9-32-](#)~~

~~4~~, to the purchaser at the time the interim **license** plate is issued.

~~(5)~~ **(4)** Interim **license** plates may not be utilized on **motor** vehicles sold to dealers at automobile auctions.

**(5) Interim license plates may not be utilized on salvage vehicles.**

~~(c) Requirements for the interim plate log shall be as follows:~~

~~(4)~~ **(c)** All dealers utilizing interim **license** plates must maintain a log recording the issuance of each **license** plate **as follows**:

~~(2)~~ **(1)** The interim **license** plate log shall include, ~~but is not limited to~~, **at a minimum**, the following:

- ~~(A)~~ **A** The interim **license** plate control number by control number sequence.
- (B) The name and address of the party to whom the interim **license** plate was issued.
- (C) The make, model, and year of the **motor** vehicle to which the plate is to be affixed.
- (D) The manufacturer's vehicle identification number.
- (E) The date of issuance of the interim **license** plate.
- (F) Comments in a comments section as necessary.

~~(3)~~ **(2)** The interim **license** plate log shall be maintained continuously for a period of three (3) years.

**(3) If permitted by the secretary, the dealer may maintain the interim license plate log electronically in a form approved by the secretary.**

(Secretary of State; [75 IAC 6-3-8](#); filed Aug 15, 2014, 9:57 a.m.: [20140910-IR-075130566FRA](#))

SECTION 28. [75 IAC 6-3-9](#) IS ADDED TO READ AS FOLLOWS:

**[75 IAC 6-3-9](#) Dealer promotional plates**

Authority: [IC 9-32-3-1](#); [IC 9-32-6-2](#)

Affected: [IC 9-32](#)

**Sec. 9. (a) Dealer promotional license plates may be issued to manufacturers, watercraft dealers, and dealers licensed as dealer-new or dealer-used.**

**(b) A request for promotional license plates must be on a form prescribed by the secretary. The design or image the dealer wishes to appear on the promotional license plates must be included with the request.**

**(c) The secretary must approve the design of the dealer's promotional license plates.**

**(d) Promotional license plates are subject to the same use restrictions as dealer license plates.**

**(e) Promotional license plates issued to a dealer will be included when calculating the total number of dealer license plates that have been issued to a dealer and making a determination under section 7 of this rule as to whether a dealer may be issued additional dealer license plates.**

(Secretary of State; [75 IAC 6-3-9](#))

SECTION 29. [75 IAC 6-3-10](#) IS ADDED TO READ AS FOLLOWS:

**[75 IAC 6-3-10](#) Dealer license plate prohibitions**

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-31](#); [IC 9-32](#)

**Sec. 10. A dealer license plate or decal of any type or classification may not be loaned, leased, sold, transferred, copied, altered, or reproduced.**

(Secretary of State; [75 IAC 6-3-10](#))

SECTION 30. [75 IAC 6-3-11](#) IS ADDED TO READ AS FOLLOWS:

**75 IAC 6-3-11 Dealer designee license plate application**

Authority: IC 9-32-3-1

Affected: IC 9-32-6; IC 9-32-6.5

Sec. 11. (a) The following dealer types may apply for a dealer designee license plate:

- (1) New motor vehicle dealer.
- (2) Used motor vehicle dealer.
- (3) Watercraft dealer.
- (4) Manufacturer.

(b) A dealer shall specify the number of dealer designee license plates requested in an application for dealer designee license plates; however, the secretary of state retains the discretion to determine or limit the number of dealer designee license plates issued to a dealer.

(Secretary of State; 75 IAC 6-3-11)

SECTION 31. 75 IAC 6-3-12 IS ADDED TO READ AS FOLLOWS:

**75 IAC 6-3-12 Dealer designee license plate assignment**

Authority: IC 9-32-3-1

Affected: IC 9-32-6.5

Sec. 12. (a) Assignments of dealer designee license plates are subject to the following restrictions:

- (1) A dealer designee license plate may only be assigned to a designee by a dealer with a valid license under IC 9-32.
- (2) A dealer designee license plate cannot be assigned to a designee for more than one hundred eighty (180) days. At the secretary's discretion, a ninety (90) day extension may be granted upon written request.
- (3) A dealer designee license plate may not to be used to circumvent the registration of a motor vehicle or watercraft as required by law or the payment of sales tax or motor vehicle excise taxes on that motor vehicle or watercraft. Continued assignment of a dealer designee license plate to the same person may be considered an effort to circumvent the registration of a motor vehicle or watercraft.
- (4) Assignment of a dealer designee license plate is subject to the approval of the secretary of state. The secretary may revoke or withdraw approval and terminate a dealer designee license plate assignment if:
  - (A) the assigning dealer's license under IC 9-32 is revoked or suspended; or
  - (B) it is determined that the assignment or use of the dealer designee license plate by the designee is not in accordance with state or federal law.

(b) A dealer designee license plate may only be used on a motor vehicle or watercraft if:

- (1) the dealer designee license plate has been properly assigned under section 13 of this rule to a designee by the dealer to which the dealer designee license plate was issued by the secretary of state under IC 9-32-6.5-1; and
- (2) the motor vehicle or watercraft on which the dealer designee license plate is displayed is a motor vehicle or watercraft from the assigning dealer's inventory of which the assigning dealer has granted the designee use.

(c) A dealer may receive not more than ten (10) dealer designee plates. A request for additional dealer designee license plates may be made in a manner prescribed by the secretary. The issuance of additional dealer designee license plates is subject to approval of the secretary.

(d) A dealer designee license plate may not be assigned to another dealer.

(e) A dealer shall notify the secretary of state in a manner prescribed by the secretary of state within ten (10) business days when an assignment has been terminated earlier than the date reflected on the assignment form.

(f) **Proof of financial responsibility in the amounts required by law covering the vehicle to which the dealer designee license plate is affixed must be carried in the vehicle at all times.**

(Secretary of State; [75 IAC 6-3-12](#))

SECTION 32. [75 IAC 6-3-13](#) IS ADDED TO READ AS FOLLOWS:

**[75 IAC 6-3-13](#) Dealer designee license plate assignment form**

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-32-6](#); [IC 9-32-6.5](#)

**Sec. 13. (a) In addition to the information required by [IC 9-32-6.5-1\(c\)](#), the assignment form must contain the following:**

- (1) Telephone number of the person to which the dealer designee license plate is assigned.**
- (2) The following information about the dealer:**
  - (A) Name.**
  - (B) Dealer number.**
  - (C) Address.**
  - (D) Telephone number.**
- (3) A statement certifying:**
  - (A) that financial responsibility in the amounts required by law are in effect with respect to the vehicle; and**
  - (B) the vehicle to which the dealer designee license plate is affixed is currently held in the inventory of the dealer.**
- (4) The following information with respect to the vehicle on which the dealer designee license plate is affixed:**
  - (A) Vehicle make.**
  - (B) Vehicle model.**
  - (C) Vehicle year.**
  - (D) Vehicle color.**
  - (E) Vehicle identification number.**
- (5) The dealer designee license plate number.**
- (6) The dates for which the dealer designee license plate is assigned to the person.**

**(b) The assignment form must be maintained by the dealer at the dealer's established place of business for a period of two (2) years. Following the two (2) year period, records may be moved offsite but must be maintained for a period of five (5) years.**

**(c) A copy of the assignment form must be kept in the vehicle on which the dealer designee license plate is affixed at all times during the period of assignment.**

(Secretary of State; [75 IAC 6-3-13](#))

SECTION 33. [75 IAC 6-4](#) IS ADDED TO READ AS FOLLOWS:

**Rule 4. Requests for Records or Information**

**[75 IAC 6-4-1](#) Forms of identification**

Authority: [IC 9-32-3-1](#); [IC 9-32-3-11](#)

Affected: [IC 9-32-3](#)

**Sec. 1. The division may, in its discretion, for purposes of [IC 9-32-3-7](#) and [IC 9-32-3-8](#) and generally for the purpose of ascertaining the correct identity of the person making the request for records or information, accept a form of identification other than those identified in [IC 9-32-3-13](#).**

(Secretary of State; [75 IAC 6-4-1](#))



SECTION 34. THE FOLLOWING ARE REPEALED: [75 IAC 6-1-10](#); [75 IAC 6-1-11](#); [75 IAC 6-2-6](#); [75 IAC 6-2-9](#); [75 IAC 6-2-11](#); [75 IAC 6-3-5](#).

[Notice of Public Hearing](#)

*Posted: 05/03/2017 by Legislative Services Agency*  
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